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SPEARMAN ENGINEERING, PS

P.O. Box 230, Bremerton, WA 98337 Phone: (360) 377-1630 Fax: (360) 377-1636

Toll Free Phone: 1-877-777-1630

. MARINE DESIGNINSPECTION . STRUCTURAL ENGINEERING . ENVIRONMENTAL PERMITS

FAX TRANSMISSION SHEET

TO:	Ash Grove Cement	DATE:	6/12/01
ATTN:	Mr. Don Ugelstad/ Mr. Craig MacVeigh	TIME:	
FAX NO:	206. 623. 5355	JOB NO:	01-03
FROM:	Jay Spearman	PAGE 1 OF: 3	

MESSAGE: Status Report

Don:

The U.S. Army Corps of Engineers (USACE) has been preparing a letter for several weeks. It just arrived a few moments ago. A lengthy permit review is required in order to remove the material.

We have been in contact with the City of Seattle and the Washington Department of Fish & Wildlife. The USACE's response will be relevant to the other applications. A Biological Evaluation document will be required.

We need to discuss this and initiate preparation of the biological documents as soon as possible.

Singerely,

\Jay W. Spearman, PE

IT:ZWL

Encl: Response letter from the USACE

(wp-RL\2001-1c/ug cl.fx)

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CONAL ENGINEER

EXPIRES 10/10/1

Hard Copy via Mail

Please Respond

For Your Information

USEPA SF 1274686

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DEPARTMENT OF THE ARMY SEATTLE DISTRICT, EDRPS OF ENDINGERS P.O. BOX 3735 SEATTLE, WASHINGTON 88726-3755

JUN 1 2 2001

Regulatory Branch

Spearman Engineering ATTN: Jay W. Spearman, PE Post Office Box 230 Bremerton, Washington 98337

Reference: 2001-1-00155

Spearman Engineering

Gerttemen:

Your request dated and faxed on February 6, 2001, inquired as to permit requirements for the recovery of processed material from the Duwemish River at the south tip of Harbor Island, Seattle, King County, Washington (drawing enclosed). A Department of the Army permit will be required for your proposed work.

Removal of the aggregate material from the bottom of Duwanish River waterway is considered dredging, even if the underlying sediments were not disturbed. Therefore, your proposal involves work in a navigable water of the United States, which is normally permitted under Section 10 of the Rivers and Harbors Act of 1899. This is reversal of our prior decision that a permit would not be needed for this work. This decision has come after discussion with my staff, the District's Office of Counsel, and other U.S. Army Corps of Engineers (Corps) districts.

Enclosed is parmit application (JARPA). Please complete the application and provide drawings including (1) vicinity map -showing the location of the project sits. (2) plan view - showing the area to be dredged, and (3) cross-section - showing the depth of the material to be remove.

Under the Corps Foderal permit program, permit applications are reviewed for the potential impact on threatened and endangered species pursuant to Section 7 of the Endangered Species Act (ESA), as amended. The ESA requires that Federal agencies take action as necessary to ensure that they do not authorize, fund, or carry out actions that are likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for such species. The Corps, through consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), must evaluate information on the presence of listed species (including timing and life stages), habitat for such species or their prey sources, and other parameters.

As a result of the ESA listings, and the information requirements and consultation procedures discussed above, you must submit a Biological Evaluation/Assessment (BE/BA). We recommend that you have a qualified biologist with experience and/or

ROMANO/cmc/3499 (6) 6 June 2001 (7) OR; O: Spearman (6) 01-00155 sec 10 permit.doc

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strong understanding of the species of concern and their habitat as it relates to your project (i.e., marine or fresh water systems). Many consulting firms in the area have qualified biologists on staff that can prepare a BE/BA. Enclosed is a "Biological Evaluations" outline prepared by the Corps and a "Guide to Biological Assessments" developed by the NMFS to assist in the preparation of your BE/BA. You should be aware that we might have additional requests for information or changes to the BE/BA until there is sufficient information to satisfy the requirements of the NMFS and USFWS.

For a list of listed or proposed species present in your project area, contact:

U.S. Fish and Wildlife Service Endangered Species Division 510 Desmond Orive Southeast, Suite 102 Lacey, WA 98503-1273 Telephone: (380) 753-9440 Website: http://endengered.fws.gov/index.html

National Marine Fisheries Service Washington Habitat Conservation Branch 510 Deamond Drive Southeast, Suite 103 Lacey, WA 98503 Telephone: (380) 753-9530 Website: http://www.nwr.noag.gov

In addition, Harbor Island has been listed on the National Priorities List for clean up under CERCLA (Superfund). This listing may affect work at the site, please contact Alliaon Hitner with U.S. Environmental Protection Agency, Region 10.

If you have any questions, please contact Ms. Olivia Romano, telephone (208) 764-6980.

Sincerely,

Ann R. Uhrich Chief, Application Review Section

Enclosures:

CD-RG Pile